

THIRD DIVISION

[G.R. No. 225710, June 19, 2019]

RICARDO VERIÑO Y PINGOL, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

LEONEN, J.:

State agents are expected to strictly comply with the legal safeguards under Section 21 of Republic Act No. 9165, as amended. Should there be noncompliance, the prosecution must prove that a justifiable cause existed and that the integrity and evidentiary value of the seized item were preserved for the saving clause in Section 21 to be appreciated in favor of State agents.

This Court resolves the Petition for Review on Certiorari^[1] assailing the January 6, 2016 Decision^[2] and June 28, 2016 Resolution^[3] of the Court of Appeals in CA-G.R. CR No. 36796. The Court of Appeals affirmed the conviction of accused-appellant Ricardo Veriño y Pingol @ "Ricky" (Veriño) for violating Section 11 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.

On April 7, 2014, Veriño was charged with violating Section 11 of the Comprehensive Dangerous Drugs Act. The accusatory portion of the Information^[4] read:

On or about April 4, 2014, in Valenzuela City and within the jurisdiction of this Honorable Court, the accused, without any authority of law, did then and there willfully, unlawfully and knowingly have in his possession and control three (3) heat-sealed transparent plastic sachets each containing zero point zero two (0.02) gram, zero point zero five (0.05) gram and zero point zero five (0.05) gram of white crystalline substance found to be methamphetamine hydrochloride (shabu), knowing them to be dangerous drugs.

CONTRARY TO LAW.^[5]

When arraigned, Veriño pleaded not guilty to the crime charged. Trial on the merits soon followed.^[6]

The prosecution presented Police Officer 1 Harison T. Verde (PO1 Verde)^[7] and Police Chief Inspector Lourdeliza G. Cejes^[8] (Chief Inspector Cejes) as its witnesses. The defense had Veriño^[9] as its sole witness.

The facts for the prosecution showed that at around 5:00 p.m. on April 4, 2014, PO1 Verde of the Station Anti-Illegal Drugs of the Valenzuela Police Station received a

phone call tagging Veriño as a dangerous drugs seller in Marulas Public Market, Valenzuela City. The informant also described Veriño's hair and mustache.^[10]

PO1 Verde informed Police Chief Inspector Allan R. Ruba (Chief Inspector Ruba) of the tip. In turn, Chief Inspector Ruba created a group composed of PO1 Verde, SPO3 Ronald Sanchez (SPO3 Sanchez), PO3 Fabreag, and PO3 Hernandez to conduct the buy-bust operation.^[11]

At around 9:00 p.m., the team went to Marulas Public Market, parked about five (5) meters away from Veriño's reported store, and from their service vehicle, surveyed the area. Around an hour later, the police officers saw Veriño come out a store and meet a man, with whom he showed a plastic sachet.^[12] The officers slowly walked toward them, but the unidentified man saw them and shouted, "Mga pulis!" before running away.^[13]

PO1 Verde managed to grab Veriño, while PO1 Verde seized two (2) plastic sachets from his hand and another sachet from his pocket. PO1 Verde also retrieved four (4) P50.00 bills, two (2) P100.00 bills, and a cellphone from Veriño's pocket.^[14]

PO1 Verde then placed the three (3) seized sachets "in two (2) small brown envelope bags, marked with his initials 'HTV-1[,]' 'HTV-2[,]' and 'HTV-3[,]'"^[15] before sealing and signing the envelopes in the other officers' presence.^[16] The whole team then went to Barangay Marulas and inventoried the seized items in the presence of Barangay Kagawad Ivan Viray (Barangay Kagawad Viray).^[17]

PO1 Verde turned the seized items over to SPO3 Sanchez, who then prepared the Request for Laboratory Examination^[18] and Request for Drug Test.^[19] PO3 Juanito Macaraeg (PO3 Macaraeg) received the requests, and forwarded them to Chief Inspector Cejes for laboratory examination.^[20]

The pertinent portions of Chemistry Report No. D-212-14 submitted by Chief Inspector Cejes read:

SPECIMEN SUBMITTED:

A - One (1) tape-sealed brown evidence envelope with markings "SAID-SOTG, VCPS "A" 4/4/14 with signature" further contains one (1) heat-sealed transparent plastic sachet with markings "HTV-1 04/04/14 with signature" containing 0.02 gram of white crystalline substance and marked as A-1.

B - One (1) tape-sealed brown evidence envelope with markings "SAID-SOTG, VCPS "B" 4/4/14 with signature" further contains two (2) heat-sealed transparent plastic sachet with markings "HTV-2 and 3 04/04/14 with signature" containing 0.05 gram of white crystalline substance and marked as B-1 and B-2.

PURPOSE OF LABORATORY EXAMINATION:

. . . .

To determine the presence of dangerous drugs....

FINDINGS:

Qualitative examination conducted on the above stated specimens A-1, B-1 and B-2 gave POSITIVE result to the tests for the presence of Methamphetamine Hydrochloride, a dangerous drugs. (*sic*)

CONCLUSION:

Specimens A-1, B-1 and B-2 contain Methamphetamine Hydrochloride, a dangerous drug.^[21]

In the Initial Laboratory Report,^[22] Chief Inspector Cejes found that the urine sample taken from Veriño tested positive for the presence of methamphetamine hydrochloride or shabu.

In his defense, Veriño stated that he was closing his store at the market when he was suddenly arrested by police officers, who then planted sachets of shabu in his pocket.^[23]

Veriño also claimed that the police officers had originally intended to arrest a different person, but arrested him instead after that person escaped.^[24]

In its July 25, 2014 Decision,^[25] the Regional Trial Court found Veriño guilty of the crime charged against him. It ruled that all the elements for illegal possession of a dangerous drug were present and proven by the prosecution. Furthermore, PO1 Verde was able to identify the seized evidence when they were presented in court.^[26]

The Regional Trial Court also noted the police officers' compliance with the Comprehensive Dangerous Drugs Act when they prepared an inventory of the seized items in the presence of a Barangay Kagawad Viray, an elected public official. It stressed that minor deviations from the legally mandated procedure were not fatal to the prosecution's case, when the lapses could be explained by justifiable grounds. It, likewise, underscored that without contrary evidence, police officers enjoyed the presumption of regularity in the performance of their duties.^[27]

The dispositive portion of the Regional Trial Court Decision read:

WHEREFORE, premises considered, judgment is hereby rendered finding accused RICARDO VERIÑO y PINGOL @ RICKY guilty beyond reasonable doubt of the crime charged of possession of three (3) plastic sachets of shabu, with a total weight of 0.12 grams, and he is hereby sentenced to suffer the indeterminate penalty of imprisonment of twelve (12) years and one (1) day, as minimum to fourteen (14) years, as maximum, and to pay a **FINE** of Three Hundred Thousand Pesos (Php300,000.00). With costs. His preventive imprisonment shall be credited in full to his favor.

Upon finality of this judgment, the OIC/Branch Clerk of Court is directed

to turn-over (*sic*) the subject sachets of shabu to PDEA for proper disposal.

SO ORDERED.^[28] (Emphasis in the original)

On July 30, 2014, Veriño filed a Notice of Appeal.^[29] The Regional Trial Court found the appeal to be in order and directed that the case records be transmitted to the Court of Appeals.^[30]

On January 6, 2016, the Court of Appeals rendered a Decision^[31] affirming the findings of the Regional Trial Court.

The Court of Appeals confirmed that the prosecution successfully proved all the elements of illegal possession of dangerous drugs under Article II, Section 11 of the Comprehensive Dangerous Drugs Act.^[32] It also held that the police officers' failure to strictly comply with Article II, Section 21 of the same law was not fatal to their case because they had preserved the integrity and evidentiary value of the seized sachet by presenting an unbroken chain of custody.^[33]

The Court of Appeals saw no reason to doubt the veracity of the prosecution witnesses' testimonies, underscoring the presumption of regularity in the police officers' performance of their duties.^[34]

The dispositive portion of the Court of Appeals Decision read:

WHEREFORE, the Decision dated July 25, 2014 of the Regional Trial Court of Valenzuela City, Branch 270, in Criminal Case No. 419-V-14, finding Accused-Appellant Ricardo Veriño y Pingol@ "Ricky", guilty beyond reasonable doubt of the crime of illegal possession of dangerous drugs of Section 11, Article II of Republic Act No. 9165, and sentenced him to suffer the indeterminate penalty of imprisonment of twelve (12) years and one (1) day, as minimum to fourteen (14) years, as maximum and to pay a fine of Three Hundred Thousand Pesos (Php300,000.00) is hereby **AFFIRMED**.

SO ORDERED.^[35] (Emphasis in the original)

Veriño moved for reconsideration, but his Motion^[36] was denied in the Court of Appeals' June 28, 2016 Resolution.^[37]

Hence, Veriño filed this Petition for Review on Certiorari.^[38]

Petitioner claims that the police officers failed to comply with Article II, Section 21 of the Comprehensive Dangerous Drugs Act.^[39] He pointed out that he did not sign the inventory, and no representative from the Department of Justice or the media was present when the inventory was conducted. Furthermore, the prosecution allegedly failed to present as evidence the photographs that were allegedly taken when the seized sachets were being inventoried.^[40] Petitioner maintains that the prosecution failed to proffer any justifiable ground for the procedural lapses.^[41]

Claiming that the prosecution failed to show an unbroken chain of custody in the seized sachets, petitioner points out the inconsistency between the officers' testimonies. PO1 Verde testified that after turning the sachets over to SPO3 Sanchez, he saw the latter hand the sachets over to Chief Inspector Cejes. On the other hand, Chief Inspector Cejes testified that she received the sachets from PO3 Macaraeg, who was not presented as a witness.^[42]

Petitioner, likewise, points out that the Pre-Operation Report,^[43] which was prepared by Chief Inspector Ruba, did not refer to him, but to a certain Prudencio Jun Cuabo alias Madonna or Bunso, as the operation's target.^[44]

In its Comment,^[45] respondent People of the Philippines, represented by the Office of the Solicitor General, submits that the Petition should be dismissed outright for raising questions of fact in a Rule 45 petition. Moreover, it asserts that this Court should respect the consistent factual findings of the Regional Trial Court and the Court of Appeals.^[46]

Nonetheless, respondent insists that the prosecution proved the identity and integrity of the three (3) sachets seized from petitioner through an unbroken chain of custody.^[47] It also asserts that the prosecution proved petitioner's guilt beyond reasonable doubt.^[48]

The sole issue for this Court's resolution is whether or not the prosecution proved petitioner Ricardo Veriño y Pingol @ "Ricky"'s guilt beyond reasonable doubt despite its failure to show strict compliance with the required procedure under Section 21 of the Comprehensive Dangerous Drugs Act, as amended.

To substantiate an accusation of illegal possession of a dangerous drug, the prosecution must show that:

(1) the accused was in possession of an item or an object identified to be a prohibited or regulated drug, (2) such possession is not authorized by law, and (3) the accused was freely and consciously aware of being in possession of the drug. Similarly, in this case, the evidence of the *corpus delicti* must be established beyond reasonable doubt.^[49]

As to the *corpus delicti*, Section 21 of the Comprehensive Dangerous Drugs Act, as amended by Republic Act No. 10640, imposes the following requirements for the manner of custody and disposition of confiscated, seized, and/or surrendered drugs, and/or drug paraphernalia prior to the filing of a criminal case:

SECTION 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* - The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner: